

Annapolis, Md., March 12, 1906.

The Board of Public Works of Maryland, met this day, at 3.15 p. m., in the office of the Governor. Present: Governor Warfield, Comptroller Atkinson, and Treasurer Vandiver.

The minutes of the last meeting were read, after a number of corrections had been made therein, were approved.

The bill of the Wm. Garthe Co. for repairs to the roof of one of the State Tobacco Warehouses, amounting to \$170.43, the work having been done in March 1905, was submitted, with an explanation from the Garthe Co. of the difficulty in securing payment, the claim being made that the bill had already been paid. The Comptroller moved that if, upon investigation, it is found that the bill has not been paid, it shall be paid at once; which was adopted and the bill referred to him for investigation.

The bill of C. C. Fulton Co. for \$33.83 for publishing the advertisement for proposals for supplying stationery for the Court of Appeals and the Legislature, was submitted, and on motion referred to the Comptroller for investigation, and payment if correct.

The bill of R. G. Fields for advertising the sale of the State's interest in the Chesapeake and Ohio Canal in the Montgomery County Sentinel, \$18, was submitted, and the Secretary was instructed to ask Mr. Fields for his authority for publishing this advertisement, as it does not appear from the records of the Board that he was authorized to publish the same.

The Governor submitted the following detailed statement by the Superintendent of Public Buildings & Grounds of the sale by him of public property under authority of a resolution of the Board of Public Works:

Annapolis, Md., February 16, 1906.

To the Honorable Board of Public Works,

Annapolis, Maryland.

Gentlemen:

In compliance with your letter of the 10th, inst., I have sold the old material, carpets, &c., also the building known as the Old Comptroller's Building, and herewith hand you a detailed statement of the same with my check for amount of balance.

Respectfully submitted,

Charles W. Haslup, Supt. Pub. Bldgs.
& Grounds.

Annapolis, Md. Jan. 25, 1906.

Detailed report of sales of State Property authorized by the
Board of Public Works.

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|---|------------------|
| W. E. Feldmeyer, Comptroller's Building ----- | \$1525.00 |
| P. Kashner, 96 Yds. carpet @ 45¢ ----- | 43.20 |
| H. B. Meyers, 45 yds. carpet @ 55¢ ----- | 24.75 |
| D. Klawansky, 65 " " @ 45¢ ----- | 29.25 |
| S. Hardy, 28 " " @ 56¢ ----- | 15.68 |
| G. T. Melvin, 20 " " @ 55¢ ----- | 11.00 |
| G. T. Melvin 1 lot carpet ----- | 8.85 |
| Jas. A. Lutz, 1 " " ----- | 11.40 |
| Dr. B. R. Davidson, 1 lot carpet, ----- | 8.20 |
| Wm. Albright, 1 " " ----- | 2.75 |
| Wm. Gantt, iron safe ----- | 8.00 |
| " " " fence ----- | 23.00 |
| " " fenders ----- | 2.25 |
| " " desk ----- | 1.00 |
| " " frames ----- | 1.10 |
| " " rail ----- | .75 |
| James Gantt, 1 mat ----- | .70 |
| Wm. Campbell, safe ----- | 4.80 |
| G. W. Higgins, stand, ----- | .75 |
| P. Parlett, desk ----- | 3.00 |
| C. H. Stanton, desk ----- | .80 |
| J. Coolahan, desk ----- | 2.00 |
| W. Albright, stand, ----- | .75 |
| C. W. Smith, door, ----- | 1.20 |
| " " " marble seat, ----- | .35 |
| " " " 15 bracketts, ----- | 2.50 |
| " " " 10 C sticks ----- | .50 |
| " " " steel desk ----- | 7.00 |
| I. Hochberger, 10 doors, ----- | 4.00 |
| " " desk, ----- | .55 |
| D. Klawansky, 75 doors, ----- | 18.75 |
| " " 8 fenders, ----- | .75 |
| J. R. Tydings, desk ----- | 1.10 |
| " " " frames ----- | .15 |
| " " " racks, ----- | .45 |
| " " " bracketts, ----- | 1.25 |
| J. Ketsen, 10 chairs, ----- | 2.15 |
| J. Trautwein, stand, ----- | .75 |
| J. Brown, castings, ----- | .60 |
| R. Brown, screen, ----- | .25 |
| J. Crandall, desk, ----- | .50 |
| J. Flood, stand, ----- | .25 |
| S. Brown, stand, ----- | .25 |
| C. Bloemberg, stand, c ----- | .50 |
| H. J. Hopkins, concrete walk, ----- | 2.00 |
| Chas. W. Haslup, 16 yds. carpet @ 20¢ ----- | 3.20 |
| | <u>\$1777.98</u> |

| Expense of sale. | |
|---------------------------|------------------|
| Daily Record, publishing, | \$18.00 |
| Balto. Herald, " | 10.32 |
| " American " | 9.00 |
| " Sun, " | 7.43 |
| " World, " | 3.23 |
| Evening Capital " | 3.00 |
| Auctioneer | 20.00 |
| Clerk, | 20.00- |
| | <u>\$90.98</u> |
| | <u>\$1687.00</u> |

On motion of the Comptroller, seconded by the Treasurer, it was decided to deposit the net proceeds of the above sale (\$1687) in the Farmers National Bank of Annapolis, in a separate account, to the credit of the State Board of Public Works, subject to check signed by the President of the Board, and countersigned by its Secretary, upon order of the Board. Carried.

The Treasurer submitted the bill of Clayton C. Hall, Consulting Actuary, for professional services during last six months of 1905, amounting to \$100, which upon motion, seconded by the Comptroller, was ordered paid, and charged to the contingent fund of the Board.

The bill of John D. Keller for copying 17,000 words of matter for copies of materials furnished from the Minutes of the Board to the State Senate in accordance with request thereof for copies of all documents &c. relating to the sale of the State's interest in the Chesapeake and Ohio Canal, \$25, was on motion of the Treasurer, seconded by the Comptroller, ordered paid.

The Treasurer presented the following communication:

Philadelphia 3/6/06.

Hon. Murray Vandiver,

Treasurer of the State of Maryland

Dear Sir:-

I represent a syndicate that is negotiating with Mr. Henry W. Watson President of the Washington Potomac & Chesapeake R. R. Co. for the purchasing of his holdings in that company amounting to 38,370^{shares} par value \$100 per share.

I am informed that the State of Maryland owns 1630 shares. I write to ask if can advise me whether this condition exists and also whether the state would sell at the same price as should Mr. Watson agree with us as to price &c. I would also like to be informed as to proper way to proceed with the State. You are of course aware that the stock has no market value and the road cannot pay interest on the Mortgage now held by Mr. Watson. Will you kindly give me such information as you can in the matter. Thanking you in advance for the courtesy of an early reply I beg to remain Sir.

Very truly yours,

A. B. Linderman

March 15th, 1906.

Mr. A. B. Linderman,

402 Forrest Building,

Philadelphia, Penna.

Dear Sir:

Replying to your letter of the 6th, inst., to Hon. Murray Vandiver, Treasurer of Maryland, in reference to the purchase of the stock held by this State in the Washington, Potomac & Chesapeake

Railroad, I beg to advise you that that gentleman submitted the same to the Board of Public Works at a meeting held on the 13th, inst.

The Board instructs me to say to you that if you will make an offer for this stock that would justify them in advertising the sale of same they would consider the taking of the necessary steps to do so.

Yours very truly,

Odwald Tilghman,

Secretary, Board of Public Works.

The Secretary was instructed to notify Mr. Linderman that if he would make an offer for the stock that would justify the Board in advertising its holdings for sale, the Board would consider the taking of the necessary steps to do so.

The Comptroller offered the following:

RESOLVED, That the Board of Public Works of the State of Maryland hereby constitute and appoint Harry J. Hopkins, Attorney to vote the stock standing in the name of the State of Maryland on the books of the Annapolis Water Company, at a general meeting of the stockholders of said company, to be held on the 26th, day of March, 1906, at 12 o'clock noon, or at any adjourned meeting thereof, for Harry J. Hopkins, President, and James M. Munroe, William N. Woodward, Bernhard Wiegard and John deP. Douw, as four Directors to manage the affairs of the said Company for the ensuing year, and for the transaction of such other business as may be brought before said Board: which was seconded by the Treasurer and adopted.

The Comptroller reported to the Board that he had purchased for ~~the State~~ the State \$68,900 of the State of Maryland Consolidated 3% Loan of 1899 (\$10,000 at 98, and \$58,900 at 97 3/8). On motion of the Treasurer, seconded by the Governor, the purchase was ratified and approved.

The Governor submitted the report of the Commander of the State Fishery Force for the month of February. On motion the Secretary was instructed to inform the Commander that hereafter his monthly statements must include the receipts and disbursements of his office during the month.

Captain Howard also submitted to the Board a copy of a complaint from Vaptain G. W. Maddox, of the oyster police boat Bessie Jones" as to capture by Virginia police boats, under cover of assis-

tance rendered himself, of certain Maryland boats which were violating the oyster law, the fines imposed upon which properly belonged to the State of Maryland, but which were diverted by this unfair treatment to the State of Virginia. On motion of the Comptroller, seconded by the Treasurer, the Governor was directed to take this matter up with the Governor of Virginia and ask him for an explanation of the discourteous treatment accorded the Maryland boat and for a refund of the money improperly paid to Virginia. The Secretary of State was directed by the Governor to take this matter up at once.

Maddox, Md., Feb. 16, 1906.

Commander T. C. B. Howard.

Dear Sir:

I told my mate, Mr. Plowden, to inform you of the actions of Captain Hudgins, of the Virginia police steamer "Rappahannock," I met him in the channel of the Potomac River, near Cedar Point, and told him that I had trouble just ahead, and requested him to give some assistance. He offered very politely to do so, and said if they were Maryland boats he would pick them up and hand them over to me. I sent him for the outside boats while we went after the ~~xxxxxx~~ inshore boats. We made the "Blundon" haul her job, but found that she had gotten her shells overboard. The "Fallin" got ashore, which we captured, and the "Ida" had pulled her jib, which we could have taken with ease. Captain Hudgins steamed out to the outside boats but they made no stop nor did he in any way try to make them stop, to our knowledge, but kept on over to Upper Machodic. He came back by the "Ida", who had her jib hauled, and told us he did not think she had any oysters in, so she hoisted her sails and went over with the other boats. I sent for a J. P. but could not get one. The wind then was very moderate, and expecting Capt. Hudgins to bring over the Captains under arrest, although I could not understand why he did not capture them out in the river, until he stayed so long - then I saw that he had put up a job on us.

I consider he not only deceived us but took advantage of our information to him and sent the boats in the upper Machodic in order to deprive Maryland of the money she was justly entitled to. Had I said nothing to the Captain, I feel sure that we could have caught them all, because we could have gone to Machodic and taken what we did not catch in the river. That night was calm and we anchored

with the "Fallin" in the Potomac. The next morning we boarded the boat which Capt. Hudgins said did not have any oysters and found her half loaded with oysters, with a receipt from Capt. Hudgins and Price, Virginia Oyster Inspector, for \$25. This Act of Capt. Hudgins, I consider should be by no means overlooked by Maryland and I think the Board of Public Works or the Governor should get the money at once from Virginia.

I insisted upon Mr. Navy's going up the Swann Point with us, but he said he had no instructions to go that far. If he had gone it would have been four or five hundred dollars to the State. So you see we have our hands full. I have only spent fourteen hours with my family since the 28th, of December, 1905, and I am afraid they will not know me if I stay away any longer.

Hoping you will give us all the assistance you can, I remain,

Yours truly,

G. W. Maddox

On Feb. 13, 1906, Schooners "Ida," "Emma Temple," "Wm. H. Taylor," "----- Richards" and "Langhammer" were pursued by Captain Maddox of the Maryland Police Force, for violation of the cull law in the Potomac River. In his pursuit of these boats he ran across the Virginia steamer "Rappahannock" - Capt. Hudgins. Capt. Maddox hailed Capt. Hudgins and asked his assistance in arresting certain boats which he pointed out to him. Capt. Hudgins not only offered to assist him but said if the boats were Maryland boats he would turn them over to him. He overhauled five of the boats and they followed him in the upper Machodic Creek, Va. The captains were tried and they produced receipts for \$25., amount of fine, which Virginia had no right to impose on Marylanders for violation of the oyster law.

On February 2nd, Capt. Tyler, of the schooner "Langhammer" had a receipt for \$25., signed by Captain Hudgins, of the Virginia Police boat, for violation of the cull law.

Commander Howard has laid before Governor Warfield the information contained in the statement given below, which was furnished by Captain Plowden of the police schooner doing duty in the Potomac.

There have been a great many complaints along this line and Commander Howard is determined to make every effort to put a stop to it and has laid the facts before His Excellency with the request that he communicate with the Governor of Virginia looking to some

Solution of the trouble.

March 21st, 1906.

Hon. Claude A. Swanson,

Governor of Virginia.

Dear Sir:

I am instructed by his Excellency, Governor Edwin Warfield of Maryland, to advise you, that at a recent meeting of the Board of Public Works, Commander Thos. C. B. Howard of our State Fishery Force, submitted to the Board a copy of a complaint received by him from Capt. George W. Maddox of the Oyster Police Schooner "Bessie Jones", as to the capture by Virginia police boats, in February last, under cover of assistance rendered by himself, of certain Maryland boats which were violating the oyster law in the Potomac River, and that the fines imposed, which properly belonged to the State of Maryland, were diverted by this unfair treatment to the State of Virginia.

On motion, the Governor was directed to take up this matter with the Governor of Virginia and ask him for an explanation of the discourteous treatment accorded the Maryland boats and for a refund of the money improperly paid to Virginia.

Commander Howard reports that during the administration of Governor John Walter Smith, a similar complaint was made on the part of Virginia authorities against the action of certain Maryland Police Boats that had captured some Virginia vessels for violation of the oyster laws in the Potomac River, and that the fines that were imposed by the Maryland Courts in these cases were promptly refunded to Virginia.

With esteem and regard, I am,

Very truly yours,

Oswald Tilghman,

Secretary of Board of Public Works.

The following communication from Attorney General Bryan and Mr. E. H. Sappington were received, and, on motion, ordered spread upon the minutes.

Baltimore, Feb. 27, 1906.

To the Honorable

The Board of Public Works,

Gentlemen:-

I enclose you an abstract of the title of State Tobacco Warehouses Nos. 3A - 3B and 4, which are situated on the south side of Conway Street, and, also, an abstract of the title of State Tobacco Warehouses No. 3C and 5, which are situated on the north side of Conway Street, both made by Mr. E. H. Sappington.

I, also, enclose you a separate plat of all these State Tobacco Warehouses made by Mr. Sappington.

Mr. Sappington has attached an explanatory letter to each abstract.

He has, also, written me a letter calling attention to the fact that under authority granted by Ch. 224 of the Acts of 1880 the Wharf in front of State Tobacco Warehouse No. 3 was leased to Mr. Henry Williams for ten years from June 1st, 1880 at a yearly rental of \$1,000.

By Ch. 119 of the Acts of 1890, the Board of Public Works was again authorized to execute a lease for the same wharf property for a period not exceeding ten years from May 1st, 1890 at an annual rental of not less than \$1,000.

Mr. Sappington states that there is no record of any lease made under this second Act of Assembly, and he draws the very natural inference that the assignee of the original lessee is now in possession of this property at the annual rental of \$1000. as a tenant from year to year.

It is a matter of general belief that the Pennsylvania Railroad has acquired the property of the Weems Line of Steamers for the use of which Mr. Williams evidently leased this wharf property in 1880.

Mr. Sappington, also, calls to the fact that in 1898 the Baltimore Steam Packet Company leased 131 feet of wharf front in the same square of Light street with the wharf property at a yearly rental of \$4500.

There is a wharf frontage of 103 feet on this property and ~~there~~ there is a stipulation in the original lease of 1880 that "vessels bringing tobacco to the State Tobacco Warehouses shall have access to the pier built from said wharf, free of all charges of wharfage on

vessel or cargo for the purpose of unloading, and room to be allowed on said wharf or pier for shipping tobacco from the State Tobacco Warehouses."

This restriction, of course, makes the enjoyment of the property less beneficial to the tenant than it would otherwise be, but making full allowance for this, it would seem that the rental received by the State is extremely inadequate.

I would suggest that it might be desirable to obtain an Act of Assembly giving permanent authority to the Board of Public Works, or to the State Wharfinger, or some other appropriate public agency to rent this wharf frontage (subject to such regulations and for such periods as the General Assembly may see fit to prescribe) for the best rental that can, from time to time, be obtained.

Yours truly,

William S. Bryan, Jr.

Attorney General.

P. S. Mr. Sappington calls attention to the fact that the lease to Mr. Henry Williams in 1880 could not be assigned without the assent in writing of the Board of Public Works. The records do not disclose that such written assent was ever given.

Baltimore, February 27th, 1906.

Dear Sir:-

In my letter to you of February 26th, 1906, accompanying the abstract of title ~~to~~ of State Tobacco Warehouses 3A - 3B and 4 at the southwest corner of Light and Conway Streets, I made no mention of the conditions under which the wharves connected with the same were leased.

By the Act of 1880 Chapter 224 the Board of Public Works was ~~authorized~~ authorized to lease to Henry Williams the wharf in front of State Tobacco Warehouses No. 3 for a period not exceeding ten years from May 1st, 1880, at a yearly rental of \$1000., and in pursuance of said Act a lease was executed June 2nd, 1880 for ten years from the day next before the execution of the lease.

By the Act of 1890 Chapter 119 the Board of Public Works was again authorized to execute a lease for the same property for a period not exceeding ten years from May 1st, 1890 at the same yearly rental of \$1000. There is no lease of record in pursuance of this Act, and I find no subsequent Act of Assembly relating to this matter.

From the facts already stated I would infer that the said wharf property was still being rented at the same figure, which I believe is far below the fair rental value of the property, and I it well to call your attention to this matter, and through you to call the attention of the Board of Public Works to it, in order that they might take such action as they deem for the State's interest.

I find among the records a lease from an individual owner in 1898 to the Baltimore Steam Packet Company of 131 feet of wharf front in the same square on Light Street at the annual rental of \$4500 and if ~~the~~ conditions are as they appear to me to exist, the Pennsylvania Railroad, which I understand controls the Weems Steamboat Company, is getting the use of 103 feet of wharf front for \$1000 a year.

Very truly yours,

Edward H. Sappington.

To Hon. William Shepard Bryan, Jr.,

Attorney General.

P. S. The lease to Mr. Williams was not assignable without the consent in writing of the Board of Public Works.

be instructed to
The Governor moved that the Comptroller, take up with the Pennsylvania Railroad Company, or with the present occupants of the wharf property referred to in these communications, the matter of an increase in the amount of the rent to be paid by them for this property, and that the Attorney General be requested to prepare a Bill for immediate submission to the Legislature authorizing the Board of Public Works to lease this wharf property from time to time at the best figure obtainable. Seconded by the Comptroller, and carried, and the Secretary of the Board was directed to communicate immediately with the Attorney General.

The Treasurer offered the following resolution:

WHEREAS, the publication written by Norval E. Foard, entitled "Maryland As It Is" contained much valuable and useful information regarding the products &c. of the State of Maryland; and

WHEREAS, the last edition, published for general circulation, was destroyed by fire,

Therefore, Be it Resolved, that it is the sense of the Board of Public Works that a republication of that work, brought down to the present date, would result in advertising the State; and that

the Board of Public Works recommend to the Finance Committee of the Senate and the Ways and Means Committee of the House of Delegates that a sufficient sum be appropriated for another edition of said work. Seconded by the Comptroller and adopted.

The Governor presented to the Board, for its consideration, the following Bill:

A BILL, entitled "An Act to provide that in the event of the sale by the Board of Public Works of the annuity of \$90,000 payable to the State of Maryland by the Northern Central Railroad created under the provisions of Chapter 260 of the Acts of the General Assembly of Maryland of 1854, the said annuity and all parts thereof in the hands of the purchaser or any assignee of the purchaser thereof shall be exempt from taxation by the State of Maryland, any by any County or municipality thereof; and also to provide for the issuing by any purchaser of said annuity or any assignee thereof of certificates representing beneficial interests in said annuity."

Section 1. Be it enacted by the General Assembly of Maryland, That if the Board of Public Works at any time hereafter sell the annuity of \$90,000, created under the provisions of Chapter 260 of the Acts of the General Assembly of Maryland of 1854, and payable to the State of Maryland by the Northern Central Railway Company, the said annuity, together with the mortgage securing the same, and any every interest therein, or part thereof, should the said annuity at any time be sub-divided and each and every beneficial certificate or other security representing the same or any interest therein, should any beneficial certificate or securities of any kind be issued against the said annuity, shall be for all time, whether in the hands of the original purchaser or purchasers, or any assignee or successor thereof, exempt from any taxation for any purpose by the State of Maryland or by any county or municipality of the State of Maryland; and the purchaser or purchasers of said annuity, their successors and assigns, are hereby authorized to issue certificates of a beneficial interest in the said annuity or in aliquot parts thereof, which said beneficial certificates shall be likewise exempt from taxation as aforesaid.

Sec. 2. And be it further enacted by the General Assembly of Maryland, That said Board of Public Works be and is hereby authorized and empowered, upon the sale of the said annuity as provided in this

Act, to make proper recitals of such fact and the provision of this Act with reference thereto in such contracts, deeds or paper writings as it may execute and deliver, in order to effectually transfer, assign and convey the said annuity, and the mortgage security therefor, together with all and every the rights, incidents, interests and estates of the State of Maryland therein, unto the purchaser or purchasers thereof, and generally to do any and all acts, matters and things whatsoever to carry out and effectuate the purposes of this Act.

Sec. 3. And be it further enacted by the General Assembly of Maryland, That this Act shall take effect from the date of its passage, and all Acts or parts of Acts inconsistent therewith be and the same are hereby repealed."

whereupon the Comptroller offered the following:

RESOLVED, That the Board of Public Works approve and endorse the foregoing Bill, and suggest its passage by the Legislature. Seconded by the Treasurer, and carried.

The Comptroller, seconded by the Treasurer, offered the following:

RESOLVED, That the Governor is hereby authorized to name an Advisory Committee to take up with him the laying out and beautifying of the State House Grounds &c., said Committee to serve without pay.

On motion of the Treasurer, seconded by the Comptroller, the Board, at 5.10 p. m., adjourned.

Conrad Tilghman
Secretary.